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in open
court
12/21/04*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	CRIMINAL CASE NO. 04-10231-MLW
v.)	
)	
PETER V. MAGGIO, III, ET AL.)	

STATUS CONFERENCE REPORT
~~AND~~
MOTION TO CONTINUE STATUS CONFERENCE

The Government files this Status Report for this Court's consideration, and moves jointly with defendants for an Order continuing the status conference to a date convenient to this Court.

The Government submits the following:

1. Seven defendants were indicted on August 12, 2004;
2. All defendants appeared in this District for Initial Appearance(s).
3. This Court scheduled a status conference for December 21, 2004.
4. Defendant DeVeau has executed paperwork for a requested Rule 20 Transfer to the Northern District of New York for entry of guilty pleas and sentencing. The Government anticipates filing a Motion for Rule 20 Transfer.
5. The Government provided consolidated discovery to all defendants consisting of essentially "open book" discovery.
6. Various defense counsel have contacted the Government for plea discussions.

7. Various defense counsel have contacted the Government and advised that additional time is necessary to review disclosure materials and/or resolve potential plea matters.

WHEREFORE, the Government and various defense counsel jointly move this Court to continue the Status Conference from December 21, 2004, to a date convenient to this Court, and to exclude the time from December 21, 2004 to the next Status Conference from the Speedy Trial Act. See 18 U.S.C. §3161(c)(1)[Speedy Trial calculation commences with initial appearance of defendant(s)]; 18 U.S.C. §3161(h)(7)[delay when defendant joined with codefendant(s) as to whom Speedy Trial has not run]; 18 U.S.C. §3161(h)(1)(F) as interpreted by the First Circuit in United States v. Jodoin, 672 F.2d 232, 237 (1st Cir. 1982) [exclusion during pendency of pretrial motion]; 18 U.S.C. §3161(h)(8)(A)[exclusion for continuance on court finding ends of justice served by delay outweigh interests in speedy trial].

Respectfully submitted this 21st day of December, 2004.


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By: 

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CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the attorneys listed below a copy of the foregoing document.


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